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Secrt. II-27—100,000—31-5-32.

Home (1949) Department.

Ms. SERIES.

P 7(2)

G.O: No. Ms. 2780

Dated 7-7-1949

[Despatch Abstract.]

Emort - Fiji Islands - Fiji (Immigration Regulations) - Instructions
- the Government of India - Recorded.

GOVERNMENT OF MADRAS
Abstract.

Passport - Fiji Islands - Fiji (Immigration Regulations) - Instructions from the Government of India - Recorded.

HOME DEPARTMENT

G.O. Ms. No. 2780. Dated the 7th July 1949.
Read:-

G.O. Ms. No. 5019, Law (General) dated 28.11.1930.
G.O. Ms. No. 4116, Law (General) dated 10.11.31.
G.O. Ms. No. 198, Law (General) dated 20.1.1932.
G.O. Ms. No. 827, Law (General) dated 29.2.1932.
G.O. Ms. No. 4361, Law (General) dated 5.12.1932.
G.O. Ms. No. 1966, Law (General) dated the 7th June 1933.
G.O. Ms. No. 2734, Law (General) dated 25th September 1934.
G.O. Ms. No. 708, Home, dated 17.2.1937.
G.O. Ms. No. 4666, Home, dated 23.10.1941.
From the Government of India, Ministry of External Affairs, Circular No. PIA. 80(F.14(10)-PV(I)/48) dated 4.5.1949.

Fiji (Immigration Regulations).

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A note on the Immigration Regulations of the Colony of Fiji is forwarded herewith for information and guidance together with a list containing references to instructions issued to Passport Issuing Authorities in India on the subject in the past.

2. The earlier instructions, contained in the communications from the Government of India mentioned in the list, may be deemed to be inoperative in so far as they are in conflict with the instructions contained in the enclosed note.

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LIST.

Communication Number.	Date.	Subject.
1. Letter No. D. 4495/ G/30.	22.11.1930.	Passport facilities for Fiji should not be granted to Indian males who are un-accompanied by their wives an who are not residents of Fiji unless the consent of Fuji Government has been obtained.
2. Memorandum No. 3656/G/31.	31.10.1931.	Leave to land in Fiji may be refused to persons who have no guarantee of work and who cannot deposit £ 50/-.
3. Memorandum No. 4122/G/31.	7.1.1931.	Prior permission of French Consular authorities must be obtained by persons proceeding to Tahiti via Fiji.
4. Letter No. D. 255-G/32.	15.2.1932.	Passport to Fiji should not be issued to single man on family permits.

Communication Number.	Date.	Subject.
5. Endorsement No. D. 2468-G/32.	18.10.1932.	Indians travelling from India via Australia who were given unrestricted entry into Fuji would no longer be permitted to enter Fuji unrestricted.
6. Endorsement No. D.3135-G. 32.		
7. Endorsement No. D. 1548/ G/33.	25.5.1933.	General instructions regarding grant of passport facilities for Fuji to Indian (forwarding Fiji Government's letter No. F. 34/21 dated the 27th January 1933).
8. Endorsement No. F. 237/ G/34.	6.10.34.	Passport facilities for travel to the British Solomon Islands Protectorate via Fiji should not be granted (forwarding Fiji Government's letter No. F. 34/21 dated the 7th June 1934.
9. Endorsement No. 312/G/36.	7.2.1937.	Grant of passport facilities for Fiji to bona fide residents' of Fiji and to Indians who are not in possession of Fiji passport (Forwarding Fiji Government's letter No.C.F. 34/3 dated the 24th November 1936).
10. Endorsement No. F.296/G/41.	15.10.1941.	Rules regarding Indian Immigration into Fiji (forwarding Fiji Government's letter No. C.F.D. 34/3 dated the 7th July 1941).

Fiji (Immigration Regulations).

I. Extracts from Passports Ordinance No. 2 of 1927.

4. (1) Every person landing in the Colony from any place beyond the Colony shall be in possession of a Passport that is to say:-

(a) in the case of a British subject or a British protected person he shall have in his possession a British passport;
(b) in the case of an alien (other than an alien who is a British protected person coming from a foreign country he shall have in his possession a passport which has been visaed by the British consular officer or other person duly authorised in that country;
(c) in the case of an alien (other than an alien who is a British protected person) coming from any part of His Majesty Dominions he shall have in his possession a national passport or some recognised travel document British or foreign either document to bear the visa of a British Official authorised to grant visas.

II. Extracts from the Immigration Ordinance No. 33 of 1947.

3. Subject to the proviso hereinafter contained the provisions of this Ordinance shall not apply to the immigration of:-

(a) any person who is a British subject or British protected person; and

(i) was born or is domiciled in the Colony; or
(ii) has resided in the Colony for a period of five years; provided that a person who is absent from the Colony for more than twelve consecutive months shall cease to be resident for the purposes of this section;

(b) any serving member of His Majesty's Forces;
(c) any officer or member of the crew of a naval ship of a friendly power;
(d) any member of His Majesty's diplomatic or consular services and his household;
(e) any member of the Consular service of a foreign power duly accredited to the Colony and his household;
(f) any person employed in Government service of in any part of His Majesty's Dominions or of any territory under His Majesty's protection or of any territory in which His Majesty has from time to time jurisdiction and the wife and family of any such person;

Provided that until such time as any such person satisfies the immigration officer that he comes within any of the exemptions set out in this section the provisions of the Ordinance shall apply to him.

6(2). Every passenger arriving in the Colony by sea or air from any place outside the Colony shall appear before the Immigration Officer at such time and place as the Immigration Officer may direct and shall furnish him with such information in such manner as the Immigration Officer may require or as may be prescribed.

7. The following persons are prohibited immigrants and it shall be an offence for any such person to land in the Colony:-

(a) any person who is not the holder of a valid permit issued under the provisions of section 8 unless such person is exempted under the provisions of that section;
(b) any person with respect to whom a deportation order is in force;
(c) any person with respect to whom the Commissioner of Police has, with the approval of the Governor, notified the Principal Immigration Officer that as a result of information or advice received from a reliable source, the entry of the said person into the Colony is likely to be prejudicial to peace and good order and should be prohibited;
(d) any person who has been convicted by a court outside the colony of an offence which if committed within the colony is punishable with imprisonment for more than two years.

8. (1) Unless exempted under the provisions of sub-section (4) of this section no person shall enter the Colony except in pursuance of a permit issued to him in that behalf by the Principal Immigration Officer or by some person acting under his authority.

(2) The Principal Immigration Officer may issue a permit to any person entitling him to enter and reside or remain in the colony upon such conditions as to the security to be furnished, the profession or occupation which the holder may exercise or engage in within the Colony, and to any other matter whether similar to the foregoing or not which the Principal Immigration Officer may deem fit to impose or as may be prescribed.

(3) Subject to such directions as the Governor in Council may deem fit to issue to him the Principal Immigration Officer shall have a complete discretion as to the persons to whom permits to enter the Colony may be granted under the foregoing provisions of this section.

(4). The following persons shall be exempt from the provisions of sub-section (1) of this Section:-

(a) a person who enters the Colony and departs without landing, or if he has landed from an aircraft without leaving the airport at which he arrived;

(b) a person who enters the Colony and leaves the Colony on the ship on which he arrived immediately upon its departure;

(c) a person who having entered the Colony for an intended stay of not more than four months, appears before the Immigration Officer in accordance with sub-section (2) of section 6 and if required by him so to do furnishes such security for his compliance with the provisions of this Ordinance as the Immigration Officer may require.

Provided that the provisions of this sub-section shall not apply to a person who by secreting himself on a ship has obtained a passage to the Colony without the consent of the master, owner or agent.

(5). If a person who has entered the Colony in pursuance of the provisions of paragraph (c) of sub-section (4) of this section:-

(a) becomes incapable of supporting himself and his dependents;
(b) behaves in a manner prejudicial to the peace and good order of the Colony; or
(c) fails to leave the Colony within four months of his arrival, it shall be lawful for the Principal Immigration Officer, by writing under his hand, to order such person forthwith to leave the Colony and if such person fails to carry out such order he shall be guilty of an offence.

6. If any person enters the Colony in pursuance of the foregoing provisions of this section and contravenes or fails to comply with any of the conditions of the permit under which he has been allowed to enter or any of the provisions of this Ordinance, then, in addition to any other penalty to which he may be liable:-

(a) if security has been furnished by way of deposit such deposit may be forfeited;
(b) if security has been furnished by bond the Principal Immigration Officer may sue and recover the amount secured by the bond;

and any sum forfeited or recovered under the provisions of this sub-section shall be paid into the general revenue of the Colony;

13. The Immigrants Ordinance is hereby repealed*

III. Extracts from the Immigration Regulations, 1948.

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6.(1) Where a person is required to give security as a condition of his entry into the Colony under the provisions of section 8 the amount of such security shall not exceed five hundred pounds.

(2) Security may, in the discretion of the Immigration Officer, be accepted in the form of a deposit of cash, or of the furnishing of a security bond in the form No. 5 of the Schedule.

(3) Where a person has furnished security by a deposit of cash, such deposit may be retained by the Immigration Officer so long as such person remains in the Colony by virtue of any permit issued to him by, or under the authority of, the Principal Immigration Officer:

Provided that such period shall not exceed five years.

IV. Miscellaneous Notes.

1. Tourists arriving in the Colony may stay for a period of upto four months. They are required to be in possession of valid passports and except in the case of British nationals, must have visas for Fiji affixed to the passports.

The immigration authorities require a tourist to be in possession of an order for a return air or sea passage or to deposit a sum sufficient to cover the cost of a passage to the country from which he has come. They may also require him to deposit a sum of money or to furnish other security for his compliance with the provisions of the Immigration Ordinance.

2. Short Term Permits.

Permits to reside in Fiji for less than four years may be issued at the discretion of the Principal Immigration Officer to apprentices, skilled tradesmen, minors, students, persons under medical treatment, and persons entering the Colony under short-term contracts of employment with local commercial or agricultural undertakings.

3. Residents' permits.

In general permits to land and reside permanently in Fiji will be granted only to the following:-

(a) Farmers and planters if they have already acquired a property in the Colony of not less than 100 acres, three quarters of which is productive land;

(b) professional men and women with recognised qualifications who intend to practice their profession in the Colony;

(The entry of teachers must be approved by the Director of Education).

(c) Ministers of religion;

(d) Persons who are employed outside Fiji by local firms or undertakings and who are transferred to the Colony:

(e) persons who satisfy the Principal Immigration Officer that they have an assured income, that they will not become a charge on public funds, and that their entry is not contrary to the public interest, and who accept any conditions which may be imposed;

(f) persons absent from Fiji on June 11th 1948, who hold Fiji passports issued before that date, provided that they:-

(i) were originally admitted into Fiji under the indenture system and were resident in the Colony when the passport was issued; or

(ii) had resided continuously in the Colony for not less than ten years before applying for a Fiji passport and also have permanent business interests or employment in the Colony;

(g) persons who have established or who establish a residential status under the Ordinance by living for five years continuously in the Colony, and who having left the Colony with the intention of returning, lost that status by remaining away for more than twelve months; provided that the person concerned satisfied the Principal Immigration Officer that he was unable to return because of circumstances beyond his control, or for some other good and sufficient reason.

Only in very exceptional circumstances will permits to enter and reside permanently in Fiji be granted to persons not included in the above categories.

4. Applications for permits. Applications for permits to enter and reside in Fiji and correspondence on immigration matters should be addressed to:-

The Principal Immigration Officer,

Suva.

Applications for permits to enter and reside in Fiji should be made on a special form copies of which are obtained from the Principal Immigration Officer, Suva.

An applicant should not leave for Fiji until he has received a permit. Requests for telegraphic permission to land and reside in the Colony cannot be considered.

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SCHEDULE.
Security Bond.

(Section 8, Reg. 6).

Whereas . . . . . of . . . . . has been required by the Principal Immigration Officer to furnish security for his compliance with the provisions of the Immigration Ordinance, 1947.

And whereas I am desirous of furnishing such security on the terms and in the manner set out below:-

Now therefore, I . . . . . of . . . . . my heirs and executors and administrators, are by this

bond held and firmly bound to pay to the Principal Immigration Officer the sum of £ . . . . . .

And the condition of this bond is such that if the said . . . . . complies with the provisions of the Immigration Ordinance, 1947, and the conditions of any permit issued to him thereunder then this obligation shall be void and otherwise shall remain in full force and effect.

Signed in the presence of.

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Order:-

R E C O R D E D.

(By Order of His Excellency the Governor).

C.S. David,
Deputy Secretary to Government.

To

The Commissioner of Police, Madras.

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/True copy/

Superintendent,
Madras Record Office.

k.y.s. 6.7.